

ORDINANCE NO. 1229

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PERFORMANCE-BASED HEIGHT EXCEPTIONS; ALLOWING GYMNASIUMS AND PERFORMING ARTS RELATED FACILITIES IN PRIVATE PRIMARY AND SECONDARY SCHOOLS TO BE ELIGIBLE FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS; REMOVING THE REQUIREMENT FOR SCHOOLS TO BE IN THE PI ZONING DISTRICT TO BE ELIGIBLE FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS; AMENDING THE DEFINITIONS OF PRIMARY AND SECONDARY SCHOOL TO REQUIRE APPROVAL BY THE STATE OF WASHINGTON RATHER THAN ACCREDITATION BY THE STATE OF WASHINGTON; AMENDING SECTIONS 17.04.717, 17.04.718, 17.67.020 AND 17.67.075 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2004, the City of Gig Harbor adopted under Chapter 17.67 GHMC provisions that allow performance-based height exceptions for certain structures that may require heights exceeding underlying height limits for their effective and efficient operation, such as water tanks and transmission line towers, fire training towers and athletic field lighting; and

WHEREAS, in 2005, the City of Gig Harbor amended Chapter 17.67 GHMC to add gymnasiums and performing arts related facilities in public schools in the PI zoning district to the uses eligible for performance-based height exceptions; and

WHEREAS, on June 21, 2011, St. Nicholas Church and School requested a zoning code text amendment to include gymnasiums and performing arts related facilities in private primary and secondary schools outside of the PI zoning district in the uses eligible for performance-based height exceptions; and

WHEREAS, The Washington State Office of Superintendent of Public Instruction and State Board of Education approves private schools; and

WHEREAS, State statutes and regulations require private schools to conduct a program consisting of kindergarten and at least grade one or any of all grades one through 12 and meet minimum standards of health, safety, and education. Every spring private schools must submit a "state standards certificate of compliance" form to retain approval from Washington State; and

WHEREAS, currently there are four approved private schools in the Peninsula School District boundaries: St. Nicholas School, Harbor Christian Schools, Harbor Montessori, and Lighthouse Christian Schools; and

WHEREAS, the proposed amendment is consistent with the intent of the performance-based height exception chapter because all schools, whether public or private, could have gymnasiums or performing arts related facilities that may require heights exceeding underlying height limits for their effective and efficient operation; and

WHEREAS, the proposed amendment will allow consideration of school needs while also providing an opportunity for public review and comment; and

WHEREAS, due to required approval of private schools by the State, only a few private schools in the area would be eligible for performance-based height exceptions; and

WHEREAS, the Council desires to amend the definitions of primary schools and secondary schools to require them to be "approved" by Washington State rather than "accredited," as accreditation is optional in the State of Washington, but approval is required; and

WHEREAS, the proposed text amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on October 10, 2011, pursuant to RCW 36.70A.106, and were granted expedited review on November 1, 2011; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for this Ordinance on November 2, 2011; and

WHEREAS, the Planning Commission held a work study session on the text amendments on October 20, 2011; and

WHEREAS, the Planning Commission held a public hearing on the text amendments on November 3, 2011 and after the public hearing recommended approval of the text amendments; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on November 28, 2011; and

WHEREAS, on December 12, 2011, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR,
WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.04.717 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.717 School, primary.

“Primary school” means a public or private Washington State accredited approved K – 8 school, including accessory playgrounds and athletic fields.

Section 2. Section 17.04.718 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.718 School, secondary.

“Secondary school” means a public or private Washington State accredited approved 9 – 12 school, including athletic fields.

Section 3. Section 17.67.020 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.67.020 Applicability – Performance-based height exceptions.

A. Approvals of performance-based height exceptions may be given to only the following structures:

1. Elevated reservoirs, water tanks or standpipes under the jurisdiction of the city or another water district;
2. Transmission line towers;
3. Fire training towers;
4. Athletic field lighting;
5. Gymnasiums and performing arts-related facilities for primary and secondary schools in a public institutional (PI) district that are approved by the superintendent of public instruction;
6. Museums.

B. Performance-based height exceptions are prohibited for the following:

1. Communications facilities regulated by Chapter 17.61 GHMC;
2. All new structures on parcels identified as prominent on the city of Gig Harbor visually sensitive areas map;
3. All new structures within the view sheds of a significant vista, as identified on the city of Gig Harbor visually sensitive areas map.

Section 4. Section 17.67.075 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.67.075 Special review criteria for school facilities in the PI (public institution) district.

Because primary and secondary schools in the PI (public institution) district may have different visual impacts than other smaller-scale structures listed under GHMC 17.67.020, the applicant shall demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or 17.67.076:

A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual*; and

B. Increased height in no wise exceeds:

1. Forty-five feet above natural grade as measured under the provisions of GHMC 17.99.370(D); and

2. Fifty-six feet above natural grade at the lowest point of the building footprint.

C. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:

1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;

2. Avoidance, to the extent possible, of light trespass onto adjacent properties;

3. Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new structures on the site. (Ord. 1033 § 3, 2006; Ord. 988 § 5, 2005).

* Increased height shall not be approved beyond what is minimally needed for functional purposes except as required to meet basic design manual requirements or to achieve, as recommended by the design review board, design continuity or otherwise address zone transition considerations under GHMC 17.99.200.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 12th day of December, 2011.

CITY OF GIG HARBOR

Charles L. Hunter
Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly Towslee
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela Belbeck
Angela S. Belbeck

FILED WITH THE CITY CLERK: 12/07/11
PASSED BY THE CITY COUNCIL: 12/12/11
PUBLISHED: 12/21/11
EFFECTIVE DATE: 12/26/11
ORDINANCE NO: 1229